

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 980

Introduced by Senator ~~Hollingsworth~~ Huff
*(Coauthors: Senators Aanestad, Cogdill, Cox, Dutton, Hollingsworth,
and Runner)*

February 8, 2010

An act to ~~amend Section 38225 of the Vehicle Code, relating to off-highway vehicles~~ add Part 14 (commencing with Section 15987) to Division 3 of Title 2 of the Government Code, relating to business licensing.

LEGISLATIVE COUNSEL'S DIGEST

SB 980, as amended, ~~Hollingsworth Huff. Off-highway motor vehicle recreation: fees.~~ *Business licensing: Business Master License Center.*

Under existing law, businesses are required to obtain various licenses from regulatory agencies. Existing law also requires state agencies to take specified actions, including, but not limited to, designating a small business liaison to assist small businesses to comply with statutory and regulatory requirements.

This bill would create the Business Master License Center, which would have prescribed duties, including, but not limited to, developing and administering a computerized one-stop master license system capable of storing, retrieving, and exchanging license information, as well as issuing and renewing master licenses, as specified. The bill would permit the Governor to appoint a 3rd-party facilitator from the business community, to provide oversight over the creation of the center and the development of its master license system.

This bill would charge license applicants, in addition to any other fees or deposits required to obtain a particular license, a master license

administrative fee in specified amounts, to be deposited into the Business Master License Fund, which this bill would create. This bill would require that the moneys in the fund, upon appropriation by the Legislature, be used only to administer the Business Master License Center.

~~Existing law generally requires a service fee of \$7 for the issuance or renewal of identification of off-highway motor vehicles subject to identification. In addition, existing law imposes a special fee of \$33 that is required to be paid at the time of payment of the service fee and that is to be deposited in the Off-Highway Vehicle Trust Fund. Existing law provides that these provisions shall remain in effect until January 1, 2018, and as of that date are repealed.~~

~~This bill would make technical, nonsubstantive changes to this law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) The number of state licenses required for new businesses*
4 *and the renewal of existing licenses place an undue burden on*
5 *business.*

6 *(b) The state can reduce its costs by coordinating and*
7 *consolidating application forms, information, and licenses.*

8 *(c) By creating the Business Master License Center, the*
9 *Legislature intends to provide a convenient, accessible, and timely*
10 *one-stop system for the business community to acquire and*
11 *maintain the necessary state licenses to conduct business.*

12 *SEC. 2. Part 14 (commencing with Section 15987) is added to*
13 *Division 3 of Title 2 of the Government Code, to read:*

14

15 *PART 14. BUSINESS MASTER LICENSE CENTER*

16

17 *15987. This part shall be known, and may be cited, as the*
18 *Business Master Licensing System Act.*

19 *15987.1. As used in this part, the following words shall have*
20 *the following meanings:*

21 *(a) “Business Master License Center” and “center” mean the*
22 *business registration and licensing center established by this part*

1 *and located in and under the administrative control of the State*
2 *and Consumer Services Agency.*

3 (b) *“License” means the whole or part of any agency permit,*
4 *license, certificate, approval, registration, charter, or any form*
5 *or permission required by law, including agency regulation, to*
6 *engage in any business activity.*

7 (c) *“Master application” means a document incorporating*
8 *pertinent data from existing applications for licenses covered under*
9 *this part.*

10 (d) *“Master license” means the single document designed for*
11 *public display issued by the Business Master License Center which*
12 *certifies state agency license approval and which incorporates the*
13 *endorsements for individual licenses included in the master license*
14 *system, which the state requires for any person subject to this part.*

15 (e) *“Person” means any individual, sole proprietorship,*
16 *partnership, association, cooperative, corporation, nonprofit*
17 *organization, state or local government agency, and any other*
18 *organization required to register with the state to do business in*
19 *the state and to obtain one or more licenses from the state or any*
20 *of its agencies.*

21 (f) *“Regulatory agency” means any state agency, board,*
22 *commission, or division which regulates one or more professions,*
23 *occupations, industries, businesses, or activities.*

24 (g) *“Renewal application” means a document used to collect*
25 *pertinent data for renewal of licenses covered under this chapter.*

26 (h) *“System” means the mechanism by which master licenses*
27 *are issued and renewed, license and regulatory information is*
28 *disseminated, and account data is exchanged by the agencies.*

29 15987.2. (a) *There is created within the State and Consumer*
30 *Services Agency a Business Master License Center.*

31 (b) *The duties of the center shall include, but not be limited to,*
32 *all of the following:*

33 (1) *Developing and administering a computerized one-stop*
34 *master license system capable of storing, retrieving, and*
35 *exchanging license information, as well as issuing and renewing*
36 *master licenses in an efficient manner.*

37 (2) *Developing and administering, as part of the master license*
38 *system, a uniform business identification number for each*
39 *participating business that shall be recognized by each*
40 *participating agency.*

1 (3) *Providing a license information service detailing*
2 *requirements to establish or engage in business in this state.*

3 (4) *Providing for staggered master license renewal.*

4 (5) *Identifying types of licenses appropriate for inclusion in the*
5 *master license system.*

6 (6) *Recommending in reports to the Governor and the*
7 *Legislature the elimination, consolidation, or other modification*
8 *of duplicative, ineffective, or inefficient licensing or inspection*
9 *requirements.*

10 (7) *Incorporating licenses into the master license system.*

11 (8) *Working with other regulatory agencies to develop a system*
12 *that permits participating agencies to share information generated*
13 *from the master license system.*

14 (c) *The Secretary of State and Consumer Services may adopt*
15 *regulations, in accordance with the Administrative Procedure Act*
16 *(Chapter 3.5 (commencing with Section 11340) of Part 1 of*
17 *Division 3 of Title 2), as may be necessary to effectuate the*
18 *purposes of this part.*

19 15987.3. (a) *The center shall compile information regarding*
20 *the regulatory programs associated with each of the licenses*
21 *obtainable under the master license system. This information shall*
22 *include, at a minimum, a listing of the statutes and administrative*
23 *regulations requiring the licenses and pertaining to the regulatory*
24 *programs that are directly related to the licensure.*

25 (b) *The center shall provide information governed by this section*
26 *to any person requesting it. Materials issued by the center*
27 *describing the services provided by the center shall indicate that*
28 *this information is available upon request.*

29 15987.4. *The following state agencies shall participate fully*
30 *in the implementation of this part:*

31 (a) *California Environmental Protection Agency.*

32 (b) *Department of Alcoholic Beverage Control.*

33 (c) *Department of Consumer Affairs.*

34 (d) *Department of Corporations.*

35 (e) *Department of Fair Employment and Housing.*

36 (f) *Department of Fish and Game.*

37 (g) *Department of Food and Agriculture.*

38 (h) *Department of Industrial Relations.*

39 (i) *Department of Motor Vehicles.*

40 (j) *Department of Parks and Recreation.*

- 1 (k) *Department of Pesticide Regulation.*
- 2 (l) *Department of Toxic Substances Control.*
- 3 (m) *Department of Transportation.*
- 4 (n) *Employment Development Department.*
- 5 (o) *Franchise Tax Board.*
- 6 (p) *Secretary of State.*
- 7 (q) *State Board of Equalization.*
- 8 (r) *State Department of Health Care Services.*
- 9 (s) *Any other agency that the Secretary of State and Consumer*
- 10 *Services determines has licensing authority that is consistent with*
- 11 *the purposes of this part.*

12 15987.5. (a) *A person requiring a license that has been*
13 *incorporated into the system shall submit a master application to*
14 *the center requesting the issuance of the required licenses. The*
15 *master application form shall contain, in consolidated form, the*
16 *information necessary for the issuance of the licenses.*

17 (b) *The applicant shall include with the application the sum of*
18 *all fees and deposits required for each requested license and the*
19 *master license administrative fee imposed pursuant to Section*
20 *15987.6.*

21 (c) *Regardless of any authority delegated to the State and*
22 *Consumer Services Agency to implement this part, the authority*
23 *for approving issuance and renewal of a requested license that*
24 *requires a prelicensing or renewal investigation, inspection,*
25 *testing, or any discretionary judgmental review by the regulatory*
26 *agency otherwise legally authorized to issue the license, shall*
27 *remain with that agency. The center may issue those licenses for*
28 *which proper fee payment and a completed application form have*
29 *been received and for which no prelicensing or renewal approval*
30 *action is required by the regulatory agency.*

31 (d) *Upon receipt of the application and proper fee payment for*
32 *any license for which issuance is subject to regulatory agency*
33 *action pursuant to subdivision (c), the center shall immediately*
34 *notify the regulatory agency with authority to approve issuance*
35 *or renewal of the license requested by the applicant. Each*
36 *regulatory agency shall, within a reasonable time after receiving*
37 *the notice, advise the center of one of the following:*

38 (1) *That the agency approves the issuance of the requested*
39 *license and will advise the applicant of any specific conditions*
40 *required for issuing the license.*

1 (2) *That the agency denies the issuance of the license and will*
2 *provide the applicant reasons for the denial.*

3 (3) *That the application is pending with the agency.*

4 (e) *The center shall issue a master license endorsed for all the*
5 *approved licenses to the applicant and advise the applicant of the*
6 *status of other requested licenses. It is the responsibility of the*
7 *applicant to contest a decision regarding conditions imposed or*
8 *licenses denied through the normal process established by statute*
9 *or by the agency with the authority for approving issuance of the*
10 *license.*

11 (f) *Regulatory agencies shall be provided information from the*
12 *master application for their licensing and regulatory functions.*

13 15987.6. (a) *The Business Master License Fund is hereby*
14 *created in the State Treasury. The administrative fees imposed*
15 *pursuant to subdivision (b) shall be deposited into the fund and,*
16 *upon appropriation by the Legislature, shall be used only to*
17 *administer the Business Master License Center.*

18 (b) *The center shall collect a master license administrative fee*
19 *of fifteen dollars (\$15) on each master application and a master*
20 *license administrative fee of nine dollars (\$9) on each master*
21 *renewal application. The entire master license administrative fee*
22 *shall be deposited in the Business Master License Fund.*

23 (c) *Any license fee collected under the master license system,*
24 *except for the master license administrative fee imposed pursuant*
25 *to subdivision (b), that is imposed by the authorizing agency that*
26 *approves the license, shall be deposited with the Treasurer. Upon*
27 *issuance or renewal of the master license, the Treasurer shall*
28 *allocate the fees to the appropriate accounts, pursuant to the*
29 *applicable statutes, for those agencies' licenses.*

30 15987.7. (a) *The center shall assign an expiration date for*
31 *each master license. All renewable licenses endorsed on that*
32 *master license shall expire on that date. License fees shall be*
33 *prorated to accommodate the staggering of expiration dates.*

34 (b) *All renewable licenses endorsed on a master license shall*
35 *be renewed by the center under conditions originally imposed*
36 *unless a regulatory agency advises the center of conditions or*
37 *denials to be imposed before the endorsement is renewed.*

38 15987.8. *The center shall not issue or renew a master license*
39 *to a person if any of the following occurs:*

40 (a) *The person does not have a valid tax registration, if required.*

1 **(b)** *The person is a corporation delinquent in fees or penalties*
2 *owing to the Secretary of State.*

3 **(c)** *The person is not validly registered under any statute giving*
4 *corporate or business licensing responsibilities to the Secretary*
5 *of State.*

6 **(d)** *The person has not submitted the sum of all fees and deposits*
7 *required for the requested individual license endorsements and*
8 *the master license administrative fee imposed pursuant to Section*
9 *15987.6.*

10 **15987.9.** *The Governor may appoint a third-party facilitator*
11 *from the business community, who shall report directly to, and*
12 *serve at the pleasure of, the Governor. The facilitator shall provide*
13 *oversight over the creation of the center and the development of*
14 *the center's master license system.*

15 **15987.10.** *A valid license already in effect prior to January 1,*
16 *2011, need not be registered under the master license system until*
17 *the renewal or expiration date of that license.*

18 **15987.11.** *Nothing in this part shall be construed to eliminate*
19 *or reduce the authority of an agency that is legally authorized to*
20 *issue a license from determining if a requested license shall be*
21 *issued.*

22 **SECTION 1.** ~~Section 38225 of the Vehicle Code is amended~~
23 ~~to read:~~

24 ~~38225. (a) A service fee of seven dollars (\$7) shall be paid to~~
25 ~~the department for the issuance or renewal of identification of~~
26 ~~off-highway motor vehicles subject to identification, except as~~
27 ~~expressly exempted under this division.~~

28 ~~(b) In addition to the service fee required by subdivision (a), a~~
29 ~~special fee of thirty-three dollars (\$33) shall be paid at the time of~~
30 ~~payment of the service fee for the issuance or renewal of an~~
31 ~~identification plate or device.~~

32 ~~(c) All money transferred pursuant to Section 8352.6 of the~~
33 ~~Revenue and Taxation Code, all fees received by the department~~
34 ~~pursuant to subdivision (b), and all day use, overnight use, or~~
35 ~~annual or biennial use fees for state vehicular recreation areas~~
36 ~~received by the Department of Parks and Recreation shall be~~
37 ~~deposited in the Off-Highway Vehicle Trust Fund, which is hereby~~
38 ~~created. There shall be a separate reporting of special fee revenues~~
39 ~~by vehicle type, including four-wheeled vehicles, all-terrain~~
40 ~~vehicles, motoreycles, and snowmobiles. All money shall be~~

1 deposited in the fund, and, upon appropriation by the Legislature,
2 shall be allocated according to Section 5090.61 of the Public
3 Resources Code.

4 (d) All money temporarily transferred by the Legislature from
5 the Off-Highway Vehicle Trust Fund to the General Fund shall be
6 reimbursed, without interest, by the Legislature within two fiscal
7 years of the transfer.

8 (e) This section shall remain in effect only until January 1, 2018,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2018, deletes or extends that date. All
11 unencumbered funds remaining in the Off-Highway Vehicle Trust
12 Fund on January 1, 2018, shall be transferred to the General Fund.